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THE CRIMINAL ;

THE CRIME ; THE PENALTY.

BY

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The Criminal; the Crime; the Penalty.

Job iv. 8: "THEY THAT PLOUGH INIQUITY AND SOW WICKEDNESS
REAP THE SAME."

THESE words were true three thousand years ago, and they are equally true to-day. It has been the concurrent experience of all ages, that wrong prevails but a little while; and, though it succeed in putting on the imperial robes of power, it shortly comes to grief. We see a new and fearful illustration of this law, — an illustration that speaks with warning eloquence to all American citizens, in the short but ignoble career of that man who is at last a captive in the hands of justice. We look back upon the rebellion which he inaugurated, and which in crumbling is likely to bury him beneath its ruins, and we search in vain for a single bright spot in all its black darkness of cruelty and crime. Generally, in a vast movement of this kind, involving the welfare of so many persons, one can find an excuse either in the motive which began it, the heroism which illustrated it, or the sublime courage, overcome but not conquered, which marked its end. But here you read the whole tragedy through with an aching heart, from the first to the last act: in the plot and in the actors, you find no single attribute of pure, high-minded, revolutionary fame.

Here is the nucleus of fact, out of which the terrible drama has been constructed. In a certain part of our fair

land were eight millions of persons who were mostly very ignorant ; but of this number there were three hundred and fifty thousand who assumed that they were born to be the dominant race. They ruled with a hand of iron. They owned nearly all the land ; they held, vested in their own persons, nearly all the political power of the region. Their real estate stretched from the Atlantic to the Mississippi ; and their personal property consisted of four millions of human beings. They allowed no schools to be built : they enacted laws making it a criminal offence to teach a black child the alphabet. Without the sanction of any law, they mobbed any man who dared by word or hint to criticise their institutions. These three hundred and fifty thousand self-elected lords of men and lands sent to Washington certain shrewd and unprincipled men whose business was to acquire a dominant influence over the resources and politics of the whole country. In order to this accomplishment, they used every means which genius or bravado could devise ; but the good God protected us, and they were unsuccessful. Then, with theatric gesture, and with loud words of menace, they left the halls of Congress. Every true man breathed a little freer in their absence, though the storm-clouds were gathering, and the awful hour of trial approached.

These men then went from village to town, and from hamlet to city, until, by systematic exaggeration and falsehood, the populace were roused to such a pitch that blood must flow before the troubled waters could grow calm again. Mind you, — for this is an important point, — these people were not thus fired to self-sacrifice by any great wrongs which they, in their own persons or property, had suffered at our hands. They were stirred by the eloquence of treason, and of traitors who dared not tell them, that the Government had offered to do all which justice to the whole people might demand in order to avert a resort to the bloody arbitrament of war ; and that the offer was spurned by these

ambitious demagogues, who hoped to fill their coffers and to grasp fame by standing on the black ruins of betrayed republicanism. Oh, no! they did not tell the truth, the whole truth, and nothing but the truth. Had they done so, their constituency would have unseated them at once.

For two years this unnatural enthusiasm lasted. I use the word enthusiasm, but it is hardly appropriate. Frenzy is a word which better expresses the condition of the Southern mind. Under its influence, battles were won; but the victory was almost always stained by some act of cruelty or vengeance, which told us that the soldiers of the Confederacy were not revolutionists as our own past history defines the word, but only rebels and outlaws. After the first two years, — during which the calm tide, calm but omnipotent in its oceanic swell, of Northern patriotism rose higher and higher, — the frenzy of the South spent itself. It partly waked to a consciousness of the weakness of its cause, and once in a while it caught a glimpse of the fact that it had been deceived and duped by unprincipled leaders. At last, after a series of continuous and signal defeats stretching through twice twelve months more, their rights trodden upon by those at Richmond who should have been their foremost defenders, robbed of their money by the State Treasurer, and by extortionate taxes, crushed by the despotic laws of a Congress as unprincipled as the Venetian Council of Ten, their sons dead, their grayhaired old men conscripted, and sent with tottering step into the battle, to fall before the vigor of Union troops, their trade destroyed, their cities laid in ashes, all weary, worn, and dispirited by the profitless contest, they demanded of their generals an immediate surrender to the Government of the United States.

Well, brethren, we knew it would come to this at last. The laws of political gravitation are irresistible. Our flag was always the stronger and the better of the two, and we

had faith that ultimately it would prevail. We have never, however, read a more bitter, dreary, and witless story than that which I have just told you. I know that many will tell us there is a brighter side to the picture. I am aware that the Confederacy put on its best countenance and its best colors ; but, like the veiled prophet of Korassan, though there was a false blaze of light about its face when it enjoyed the fulness of its power, in its last hour the veil was rent away, and the loathsome thing appeared with its natural face and in its fitting costume. That the veil was rent away, and that the rebellion in dying has made unwilling confession of its own turpitude, is another signal proof of that Providence which has protected every onward step of these four years of woe. We can never be too thankful for the last two points in the great tragedy. Suppose, for an instant, that Booth, when, the fatal deed accomplished which robbed a continent of her purest statesman, he strode upon the stage, and brandished the knife, and shouted "*Sic semper tyrannis*," instead of skulking away, and hiding for days in swamps, and disguising himself in various ways,—like any coward who has done a deed the remembrance of which frightens him,—had shown that he believed himself in the right, and that he was equal to all the consequences of his act, by plunging the dagger into his own heart, and dying in the presence of the audience,—he would have gone down to history as a strangely misguided fanatic, with some little coloring of inspiration about his name, as did Charlotte Corday.

Suppose, again, that Jefferson Davis, when it was ascertained beyond a doubt that the rebel stronghold must fall, and the army retreat to the mountains, when Lee, surrounded and hemmed in by an invincible cordon of brave men, gave up his sword and his command to General Grant ; I say suppose that at that time Mr. Davis had said, as any really true revolutionist would have said, "My cause is gone.

I believed that I could free my country, could lead my people to independence, a higher prosperity and better laws than they have been able to enjoy heretofore. But I have failed. I throw myself upon the magnanimity of the American people." What would have been the result? The pen of the historian would hardly have placed him in the niche he is now likely to occupy. His last hour would have excused many an act of cruelty, and he would have been made a hero in spite of justice.

But neither of these things were to be. Booth stands before us in the attitude of a cowardly murderer. There is no single redeeming point in all his career. Davis will go forth as an adventurer, basely using delegated power, and richly meriting the end which awaits him. That the rebellion has thus made confession of its iniquity is matter of great thanksgiving. We shall say of it, and say truly, that it was born in ambition, and that it died in infamy. Its whole history will be told in the bass-relief which should be placed upon its tombstone,—a petticoat and a bowie-knife. These are the symbols of weakness and cruelty; and they truly tell the story of him who was not ashamed to use the one in public, or the other in private.

But let us look a little more closely, and see if we can read the lesson which this tragedy teaches.

I want to speak for a few minutes upon the nature of the crime. I mean, of course, the crime of rebellion. I am not heated, brethren, by any partisan fervor; nay, I am not urged to this criticism by any spirit of vengeance, which might naturally sway the judgment as memory recalls the hundreds of thousands of graves which this man has caused to be dug,—graves so dear to you and to me, because there repose the brave who once blessed our homes by their sunny presence; yet I dare say, that this generation has produced no single individual of such prominent badness as Jefferson Davis. Let the tender heart of Mercy look upon

him, and she will turn aside to weep that the humanity of an American citizen can fall so low. Let Justice look him steadily in the eye, and explore his life, his dark designs, his cruel machinations; and she frowns upon the whole community that will endure his presence, except as a manacled captive. I have tried to believe that the man was simply a wild fanatic; that somewhere in his own heart could be found a kind of belief that he was not wholly wrong in his course,—but in vain. Study his public career; read his speeches in Congress, his words to his constituents; watch the animus of the man, his cunning, his propensity to use men in unprincipled ways,—and you will soon reach the conclusion, that he is not a broad, deep, large-minded statesman; one who loves America, good government, and equal laws; but simply a greedy, ambitious politician; a man after the style of Wolsey, who hungered and thirsted for power, and whose vaulting ambition, regardless of the character of the means by which ends were reached, at last overleaped itself. I think this will be the criticism of the gentlemen of Congress who knew him most intimately, and listened with aching hearts to his bitter, menacing words in 1860, when, his plans complete, his accomplices all numbered, he foretold the doom of the American Government, and went forth to his work of evil.

But, says some one, it is easy enough to say all this, now that he has failed. Failures are never eulogized, and unsuccessful men seldom receive pity. Had he only succeeded, he would now be a hero instead of a captive. No! a thousand times no! my brother. It is without doubt true that the pomp of a triumphant cause does affect the mind, and in some degree modify the judgment. But let it be understood distinctly, that, if Jefferson Davis had succeeded, the government he would have established would have been, in its want of the true principles of a Christian political economy, a consummate disgrace to his country. Can any

degree of success, can all the pomp and circumstance of triumph, hide the fact, that fetters for human limbs, that a division and subdivision of the community into as many clans as marked the old Feudal times, were to be the corner-stones of the new power? Are we so base, is the world sunk so low, that it cannot discriminate between good and evil? No : success must mean the good of the people ; it must mean better laws, and more just relations between man and man, between labor and capital, between class and class, or this age will not recognize it. Had this criminal, through any mischance on our part, secured a piece of ground on which to build a dynasty of his own, he would have darkened the page of history, and thrown a shadow upon the beauty and enlightenment of our time. He and his cause have been involved in one prodigious ruin by the Union army, aided and encouraged by the irresistible spirit of the century.

And, brethren, he, the criminal, is to be tried and condemned, not merely by the military commission convened at Washington, but also by the ideas, the aspirations, the tendencies, of the historic hour. I summon him to the bar, to answer to certain charges preferred by the current thought of the times. He shall be tried in the vast court-room of this nineteenth century, and he stands in its presence indicted for treason against the best interests of humanity. Justice and Mercy shall be his senior and junior counsel. Let them plead, the one with all his love of right, the other with all the eloquence of charity ; and, if he be acquitted, never will I utter a word against the verdict.

Here, in this court-room, upon our right, shall sit the great political minds of the age ; the men who have grasped the thought of the hour, who have studied the hungry wants of the people ; who know their capacity for liberty and self-government, and who have devoted their lives to so influence legislation that these heaving masses should be lifted

thereby. These men will judge righteously, and no loyal soul need fear their verdict.

Here, upon the left, shall sit the reformers of the time. They are a noble company, a little quick in judgment perhaps, somewhat given to denunciation, but sturdy, steadfast friends of all successful and all unsuccessful endeavors on the part of society to change its condition for the better. These men deal with the foremost thought of the age. They are sharp-sighted to discover any way, either by dissolution of existing modes of government, or by the establishment of separate powers, to improve the world. Surely no just cause need dread their criticism. No rebellion will be denounced by them, simply because it is a rebellion. They will only ask for its central thought; and, if that be true, their approval will be had at once.

Here, again, at the end of the court-room, shall sit the philanthropists, — a glorious assemblage of good men, who have proved their fealty by years of sacrifice, and devotion to their country. They are the men who, loving the masses, trusted and loved by the masses, are as fit as any others to pass sentence upon any new theory of government. Their hands are always upon the people's pulse and the people's heart; and they will be unfalteringly faithful to any man or any law that promises to strengthen the moral sentiment, or to add to the intelligence of the State. Thus shall be constituted the Supreme Bench who shall judge this cause.

And here, covering the vast arena, crowding together with mingled curiosity and wonder, shall stand the whole people. They shall constitute the jury in this trial. Let all the witnesses be examined before them. Let them understand what this man would have done, had he succeeded in his great adventures. Surely he need not fear their verdict; for he has more than once asserted, that he intended to establish the best order of society known to man.

Stand forth, O criminal ! and plead your cause before this august tribunal. You have nothing to fear, unless you fear justice. Let all your eloquence come to your aid ; for upon the verdict hangs honor or infamy for evermore. If, listening to your story, told with all the cunning of a glittering rhetoric, you can persuade them to say, " Not Guilty," you shall take position beside the great and good who have gladly died for liberty : but, if you fail in this, and they see only a bad heart that betrayed the Christ of Freedom for forty pieces of silver, beware their verdict of " Guilty ;" for the second Judas can hope for no better fate than the first.

Brethren, as the prisoner stands at the bar, meeting the gaze of the world, the mind naturally asks the question, Who is this man ? Has he heretofore been one of us, or is he the product of another clime where rebellions are deemed benefits ? Would that I might offer even this excuse for him. Would that I might say, this death and woe is not the work of an American citizen, but of a foreign enemy who has stolen his way into the affections of the people that he might the better betray them. But I cannot. I must confess, that the great crime was conceived and executed by one who was fitted by natural capacity, and by education, to be one of our strongest friends ; and who would have never swerved from his allegiance to his country, had he possessed a single spark of gratitude. It is a humiliating confession, that the man who has played us false owes all he has, and all he was before the fatal deed, to that Government which folded its protecting arms about him at the very moment when he was meditating her destruction. Jefferson Davis, like many another man who has risen to eminence, was born in humble circumstances. Had not the inspiring breath of a free and active and progressive people reached him, he might, even now, be enjoying the obscurity from which his country lifted him to honor. He was educated at the Government expense, at West Point. The expense thus incurred by you

and me and all of us, that he might learn the military art, was cheerfully paid, with the distinct understanding, that, if ever trouble should come to this people, and the foreign invader should tread upon our soil, or the civil rebellion unfurl its blood-red banner, this man should rush to the rescue, and, standing in the front rank of our defenders, fight the foe to the last, and, if need be, die upon the field. The knowledge how to use the sword, and how to wield large bodies of men, was consecrated in the most solemn manner to the benefit of American institutions. Base, base ingratitude! But let us not think of it, lest the accumulation of crime, which increases at every step we take, unfit us for our duty as impartial judges. Let us rather forget all we can; and ever enough will remain, of which we dare not be unmindful, to rouse the deepest feelings of the heart.

He was raised to many a post of honor by his constituency, and at last took his seat in the halls of Congress, the political Holy of Holies, where every statesman speaks and votes with the responsibilities of future ages pressing upon him. Before he darkened those high places with the shadow of his treachery, he lifted his right hand towards high heaven, and impiously kissed the book of Sacred Writ; swearing — not upon his honor as a weak man, but by his belief in the Almighty One whose name he was even then profaning; and calling upon the justice of Heaven to mete out to him his reward if he proved false to his trust — to use all his influence, in private and in public, to strengthen the laws, to increase the power, and to hallow the liberty of American republicanism. His constituency expected this of him; we expected it of him, and the country that had educated him demanded it. How has he fulfilled our hopes! how has he labored in our behalf! For what good law are we indebted to him? Is there one? I would that there were a single one, that we might hang thereon on some little word of excuse, some mite of sympathy. Was there ever before a criminal

who did not have a single friend ; who could not point to some part of his career, and say, " Look at that : then I acted the part of a true man ; then I was generous or charitable or self-denying : think of it when you pass judgment " ?

But again I say, brethren, we must not dwell too long upon these dark pages ; for, loving our country, which is our home, our children's home, the home of all the hopes that are dearest to humanity, we shall be so stirred that something of passionate indignation — which is just, indeed, but which ought to be restrained just now, lest we fail to secure the end of exact justice — may influence our calm judgment.

Let us, then, name the several crimes of which this man is accused.

First, We impeach him in the omnipotent name of the people of this Republic, as being a deliberate conspirator against a Government which, on the whole, — though there are many parts which we would gladly alter, — is the best the sun shines upon. And, furthermore, we assert, that the prisoner has attempted this subversion, not in the interest of mankind, and for the sake of opening up a larger liberty, but with the hope of limiting the liberty already attained, and building a government and an order of society out of which the people have found their way by means of the struggles of three hundred years. It will be proven against this man, that for the last thirty years he has been actuated by this base purpose ; that it has never once left his mind ; that he has used every inducement to persuade men of influence to enter into the conspiracy with him ; that he has sanctioned, and by his speech aided in the organization of, a secret society whose membership extended from the Gulf of Mexico to the Lakes, — for we must confess even here, that the Republic has found secret emissaries of the slave power in Northern villages and cities ; that, by means of this society, he has endeavored to create an antagonism between the public opinion of the two sections. Is it a little thing for

a cherished member of our common household, — one who outwardly, in public speech, and while men were watching, could so alter his natural face that he smiled approvingly upon all our labors for the common good ; one whom we trusted with power which is to be confided only to long-tried servants, — I say, is it a little thing for such a one, while all the family holds him to its heart, and says its prayers for him at night, to steal into the darkness when good men are asleep, and mine the sacred edifice with the intent to bury house and inmates beneath one common ruin, while he enriched himself upon the *debris*? It is almost incredible. Such deep-dyed treachery harmonizes well enough with the history of the semi-barbarous nations of the middle ages ; but can so great a criminal be found to-day, — to-day, brethren, — and within the charmed circle of American life? Alas ! in heaven itself was found one who could not be content with the glories of the Omnipotent ; who looked with envy upon his Creator ; and who, with a few frenzied followers, dared dispute the authority of the Supreme. But for that fact we would not believe this. I shrink with horror, while I am overwhelmed at the justice of the sentence, as I see the first rebel toppling from his unhallowed height, and, falling from night till morn, from morn till dewy eve, reach at last the punishment which awaits that criminal for whom there is no mercy, even in God's bosom ; and when I look upon you, O second rebel ! like, too like, unto the first in the blackness of your deed, I say, What can you hope for ?

This man — is it not so, friends? — time and again introduced questions in Congress, with no other hope except to stir up the already excited passions of North and South. Instead of using his proud position and his great influence to increase fraternal feeling, to hide or cure old wounds, he was for ever probing our sore places ; for ever reminding us that there were differences between us ; and for ever saying, that the time was already at hand when we must separate.

His object was to compel the North to strike the first blow. Even he, for a time, shrank from the overt act, though the treason was burning in his heart. He seems like an unnatural son, who has lifted his hand and the fatal knife against his mother; her who gave him life; who watched over him in years of infancy; who has prayed for and helped him ever since; and who cannot, cannot for a moment, (what a moment that must be!) strike the blow; for the thick flood of dear memories comes rolling down from the past, and stays his hand. But it is only for a moment. Soon — but we must not anticipate.

Whose heart does not ache in remembering these things? Do you recall those shameful scenes in Washington, when the Northern statesman was continually under the censorship of the braggadocio's duelling-pistol or bowie-knife? Have we not been blushing with shame for years at the indecorum, the brutality, the utter want of temperance in word and deed, which have characterized the conventions of Congress? Has not Europe looked across the water, and laughed us to scorn, and pointed the finger of contempt at the men who have legislated for the Republic? "See, the base-born churls at one moment are lauding free speech; and the next are trying to kill each other, if one chances to say his say about the barbarism of slavery!"

And, brethren, while all this was being done, we, the North, said not a word. Our lips were closed, our hearts were hushed and bleeding. We loved our country, and were willing to sacrifice almost any thing in order to preserve it. We heard the flag insulted, — we must make this confession now, for it is becoming; and, though we burned to avenge it, we kept still in the name of the Union. Yes: we let these foul plotters pass such laws that our very religion was shadowed, our honor was touched, and we almost saw the spectral shapes of our dead forefathers coming from their graves to accuse us of cowardice. But it was

not cowardice. Let the last four years bear witness. It was not cowardice : it was an overwhelming love of our Republic ; and a fear, lest, in the din of battle, it might, by some dread mischance, be destroyed. We listened to the counsel of the great minds at the capitol. We heard Mr. Crittenden say, "I wish to God it was in my power to preserve this Union by renouncing or agreeing to give up every conscientious or other opinion. I might not be able to discard it from my mind : I am under no obligation to do that. I may retain the opinion ; but if I can do so great a good as to preserve my country, and give it peace, I will forego any action upon my opinion. Well, now," (turning to the few true men who had not quite lost their faith in God), "this is all that is asked of you." Did we not listen to that song over long ? I think the page which records the forbearance, the exceeding great forbearance, on the part of the North, will be one of the wonders of history to the next generation.

At last, however, unable to compel us to inaugurate the movement of separation, this man and his fellow-traitors, with much loud boasting and equally loud threats, assuring us that they would yet bring their slaves into the very heart of New England, and call the roll, — had they done so, the very graves would have given up their dead ; and, though the recreant sons might not dare to lift the sword, the crumbling ashes of the sires, brought to life again by the sacrilege, would have fought the old battles a second time, — showed their designs by retreating from those loyal halls, which they were destined never to see again except as prisoners. Four times twelve months have gone on their way, — months whose history we will not recall ; and now, his plans all foiled, and foiled not more by the Union army than by the providence of God, his last cursed deed done, his last threat uttered, yet unrepentant, with all his damning guilt upon him, the criminal stands there, awaiting his sentence.

But is this all his crime? I wish, indeed, it were. Enough it is for one man to bear or answer for; but what comes after, to what has just been said, is as black to white.

Second, We impeach him as a wilful subverter of the best ideas of the century, and of the tendency of our institutions. If this age has any chief characteristic, it is its wider love of all true laws. The Christianity of to-day is richer in good works than that of yesterday. The great rule of right has claimed our allegiance; and we believe in an ample liberty for all, in free speech, a free press, a free church, a free man. The whole current of the age's thought runs in the direction of the people. We take the bars down between class and class; we say no man is ignoble who has ambition; no man is noble, unless he has a good thought and a good life; and all such, of whatever clime or station, belong to the peerage of the nineteenth century, and have patent titles of nobility signed by the Almighty.

I have studied, as carefully as my time would allow, the history of rebellions, to find one like this which has just been brought to a close,—in vain. This stands alone. From Wat Tyler to Robespierre, every great convulsion in which large numbers have been engaged, has been marked as originating in unwarranted oppression, and as having for its object the good of the common people. In its centre was a good thought. Some bad law has been expunged; some privilege, longed for, but denied by the imperial master, has been extorted.

How is it with your rebellion, O criminal? Were the people of the South sadly oppressed by laws made by Northern legislators? Did you so deeply sympathize with their cause, and were you so moved by your desire after the general good, that you were willing to lead them through heroic resistance to independence and liberty? Do we forbid you to build innumerable schoolhouses and churches; to educate all

classes ; to tell them that they are freemen, and that they must do the deeds and live the lives of freemen, — that you can stay under our roof no longer, but must depart to build a more friendly house of your own? Had this been so, my tongue would never have uttered a word of criticism. I would have prayed for you and for your cause. You would have been laboring in the cause of the country, and would have deserved the sympathy of all true men.

But how different the real picture ! I scarce can bear to look upon it. It is too black to be looked at long. Why, brethren, instead of standing there in the divine attitude of a revolutionary hero, this man, had he but the power, would have destroyed every good thought, every good law, every fair religion, every philanthropy of the time. He would have hurried us back to the superstition, the despotism, and the immorality of the dark ages. There is scarcely a great thought in the century which he would not have blotted out. For, had he been successful, — ah, thank God that he was not ! — his first act would have been to have razed to the ground every educational institution in the South, on the ground that free schools are an evil, and an educated people are not easily ruled. He would then have divided the community into classes, putting himself and his compeers in guilt in the dominant class ; and so separating the one order from the other, that labor, honest labor, would for ever remain a disgrace. Then he would have trimmed the religion — I scarce dare use the word in such connection — to suit his base purposes ; and if a man should ever say that bonds were evils, and bondage was wrong, he would have committed the unpardonable offence, and be sentenced to die the death. *No man could be free, white or black, except the ruling class ; and that would be free to all evil, but not free to good.*

Then he would have opened the slave-trade ; and all the horrors of those dreadful days which we long since thought

were ended for ever would be renewed. Yes, brethren, if that is the ideal of society and government, Wigfall told the truth, one day, when he said the sailing of the "Mayflower" was a great misfortune to the world.

All this he would have done, had he been successful. Do you doubt it? Nay: every schoolboy knows that no language can do justice to the government which this man proposed. My tongue would fail me, should I attempt to give you the fearful details of this plot. Mothers! you would have prayed that your sons might die, that your pure daughters might never see the light of another day, had not this foul schemer been foiled.

But, surely, we now know the whole extent of this man's guilt. We will believe no more. Enough has already been told to make us shudder that humanity can be so depraved. It is not credible that worse deeds than these can be done by man. Look again! for we seek to know the whole truth. There is more to be said, — more that is black and damnable.

Third, We impeach him for using, in the accomplishment of his plans, machinations most abhorrent and abominable. He was not satisfied with the arbitrament of honorable warfare; but resorted, as the veriest cowards always do, to the secret use of poisons, and other weapons of the basest men. He entertained at his own table men who were employed to burn the shipping in our harbors, and to set our hotels on fire; and, as they detailed the probabilities of success, he grimly smiled, like a damned villian as he is. It was he who connived at the importation of clothing which should infect a whole community with an epidemic that might have swept like a prairie-fire through the entire North. There are mothers here who lost their sons because that man employed such vile means. And, not satisfied with that, — be still our hearts! which within the last few weeks have ached so many times, as the thought of our national loss came

over us : keep down, bitter feelings ! — bitter indeed, too, too bitter for utterance, — he aided in and abetted the murder of President Lincoln. There is too much reason to believe that this fearful deed emanated from Richmond ; that Booth was but the hired villain of that tragedy, — the weak tool used by the prisoner, who should be made to assume the whole responsibility of the act.

Lastly, We impeach him as being in his own person an assassin and a robber. I say, as being *in his own person an assassin and a robber*, amenable to the laws of the land. See if it is not so. I do not like this recital : it is the bloodiest record man ever had ; but you are the injured party, and you should know the whole extent of the wrong that has been done you. You are to judge him ; and, if your judgment is to be just, you must read every page of this man's deeds in the last four years.

From time to time, during the progress of the war, companies of our soldiers were captured. They were taken by overwhelming numbers of the enemy, and while fighting bravely as true men can fight. By all the rules of civilized warfare known to nations, these men were to be treated in such way that their health should not suffer thereby, — the object of capturing them not being to kill but to confine, and thus decrease the number of our forces. I need not say that the treatment of prisoners is generally a very delicate matter of honor. For the men thus captured are perfectly helpless ; they have no means of defending themselves, and are thrown entirely upon the mercy of the captors. Well, these men, to the number of more than fifty thousand, were transported from the fields of contest to the stockade in Andersonville. Brethren, did you love your soldier-boy, as he came to you one morning, his cheek all flushed with the excitement of patriotism, and said, " Good-by ! my country claims me now " ? Did you love him with a love beyond that of a parent, as you put your hand tenderly on his head, and said,

“My boy, your country and your God both call; I dare not say you nay. Go, and may He be unto you a shield”? Do you remember that hour? Nay, will you ever forget it? Well, then, bury your head in your hands and weep as I tell the rest of this story: nay, bury your heart there too, if you can; for, save in the cause of truth, such fearful things should never find utterance. But to-night I dare not tell you less than the truth. That boy was one of the fifty thousand. And they, his masters, would not let him dig even a hole in the ground in which to shelter himself from the mid-day sun. They gave him no clothing, though you sent it to Washington for him, and our Government held the written guaranty that this man’s Confederacy would deliver it to the prisoner-boy. They refused him proper attendance and medicine, when, broken down by their cruelties, he crept away into a corner, that he might dream of home, and sleep himself into immortality, where the wicked cease from troubling, and the weary are at rest. If, driven by a thirst that burned into his vitals, he ventured to the sluggish, stagnant water, — to drink which was of itself almost sure death, — the sentinel, just to make a little excitement, or, as some of them said, for the fun of the thing, took deliberate aim, and shot the poor child dead. Those fifty thousand did not have a daily ration that would keep a little boy alive. Thinner and thinner they grew every day. They begged; they got down on their knees; and, holding up their hands to their masters, they prayed for a single crust of bread. But it was all in vain. Though the stern, hard heart of the commander of the stockade might have melted within him, *there were orders in his tent which he dared not disobey.* Dare you look at that picture longer? See those vacant eyes, that only three months since were speaking with intelligence! See that wasted frame, oh, so wan and thin! See those trembling lips; they cannot tell you the name of the regiment to which their

owner belongs: they cannot speak the soldier's name even, for it has been forgotten in the cravings of hunger: they cannot lisp the dear words, — mother, wife, or child; for an irremediable idiocy has taken possession of him. Was there any reason for all this? Did Confederate soldiers have enough to eat? Was there no food in the South? Plenty, plenty, alas! brethren: there was more than could be used piled up everywhere. What, then, shall I say? That these men were deliberately murdered? cruelly, wantonly, basely murdered? I do say it: I do say that somebody is deeply dyed in damning guilt; that fifty thousand men were systematically starved to death, and by some one who should be held by the strong arm of the Government to a strict account. The graves all over the land, the desolate homes, the widowed mothers, the orphaned children of every Northern village, cry out for justice. We dare not be heedless of their cry. It is the cry of woe, uselessly caused; and it must be heard in the Supreme Court of the land, or the very heavens will thunder out against us.

But who is the guilty party? Where is he who is so base-born that he can do this thing? It is not he who refused the food in Andersonville when the dying soldier knelt and begged for it. He had his orders, — his verbal or his written orders; orders that did not admit of disobedience. Who gave them? I will tell you. It was Jefferson Davis, — the man at the bar. He is the guilty party, and he is solely responsible for it all. It could not have been done without his consent. And at any time, in a single moment, by a stroke of his pen, he might have said, Let this thing cease, and it would have ended for ever. He did not say so; and therefore fifty thousand of the bravest and truest marched slowly and with faltering step, a shadowy procession, down into the valley of Starvation, and left their bones there. O God! I wish this were not true. I have lost those dear to

me in this way, and I can mingle my tears with yours. O foul, wicked man, what an array of accusations we make against you ! Is it for this we have raised you, educated you, given you place and honor ? Have we indeed held you to our hearts, and warmed you into life, only to be stung by you at last ? It is even so : it is even so. Say all you can for yourself, bring forth every excuse ; for an outraged people are looking at you, and are to be your judges. Yes, plead your cause eloquently ; for here are charges enough to condemn to the severest penalty a whole score of men as vile as men can generally be.

Now, brethren, what shall we say concerning the penalty for such accumulated and damning guilt ? I would that we might not have been called to answer this question. I wish some friendly accident, some stray bullet, had put the whole matter beyond our reach ; but here the question is, and an answer to it we must have. Had the prisoner possessed any atom of that spirit which his bold menaces in times past indicated, had he the pluck of a mouse, he would have driven home to his heart the dagger he always carried ; but like a coward he was caught in his villany, hidden beneath a woman's robes, and pleading for his miserable life.

I argue this question because the opinion of the community is unformed ; and because there is a cry of magnanimity which is likely, if it prevails, to defeat the ends of justice altogether. We should be magnanimous : we ought to be merciful ; but that is neither the one nor the other, which would overlook the crime and release the criminal. The America that is to be calls to us ; the children in the cradle call to us ; the unborn millions of to-morrow call to us from the shadows of their hiding-places ; and with one voice they say, Be just, and fear not.

We must say one of two things : first, that the Republic knows no penalty for rebellion except the expense of feeding Union troops as they march over its territory : or, second,

that America has decreed that no rebel leader shall live upon her soil; that she knows how to repay her friends with gratitude; but for those who aim at her life she has nothing, absolutely nothing, but the gallows and a grave. These are the two possible verdicts. You can have either,—there is no compromise between them,—impunity, utter and complete, or death.

Now, brethren, society has already fixed the penalty of crime. A slight misdeed she repays with imprisonment: a deeper guilt she repays with confinement for life: a murder she repays with death. This is the code of the civilized world. Philosophers and philanthropists have tried to change it, but still it stands; and stand it will for ever. Treason against a government, which involves not one life but many, stands pre-eminent as the crime of crimes; still the penalty is simply death, as there is no worse punishment known to law. Had Booth been caught, what power could have reversed the sentence which would have been passed by the Military Commission? What power can reverse the sentence to be passed upon the guilty ones in Washington? Can we say to these men, Go off! get you gone to Mexico! we do not want your miserable lives: never show your faces here again. Can we afford to say that? Would it not be putting a premium upon murder? Would it not increase the crime of the country a thousand-fold? Surely there is no doubt upon this point. These men must and will be hanged; and all America will look sadly on, and say, It is just. Well, if these men are to be killed, will you, can you, let him live?

Ah! but these were common murderers, you say. Fatal, fatal distinction! Common murderers! Is it, then, so great a crime to be a common murderer, and so little a fault to be a wholesale murderer? If I kill one, I am a criminal; but, if I kill a hundred, I am a hero, and no law can reach me. John Brown slew a few, and did it in the name of Liberty:

him we hanged. Jefferson Davis slew fifty thousand in the name of Slavery; and him we set free, because, forsooth, the Supreme Court can find no indictment against him. Is that law? Is that justice? Nay, is that safety? I can conceive of no greater wrong we can do ourselves than to hang Harold, and set Davis free. Never hang man again, if he escapes his due.

But, you say, I admit the justice of the sentence; I only doubt its policy: we must look to the moral effect to be produced by our action. Assuredly we should. It is a very important point. I should be as sensitive there as any of you. It is for that very reason that I want this greatest criminal executed. I would produce a moral effect upon the world by the act. I would point out to Europe two pictures: first, our maimed soldiers well provided for for life, held to our hearts in warmest gratitude; and, second, the place where this man should meet his end. I am one of those who think that the moral effect of doing right is not to be feared. It cannot be, that, after all these months of woe, we have come to study the policy of evading justice. Is it absolutely necessary to surround our State criminals with impunity, lest Europe should think ill of us? Whom do we fear? Of whom or what do we stand in dread at such a time? Believe me, brethren, there is but one duty that presses down upon us, — *to do that and only that which will show our utter detestation of the crime, and our fixed determination that it shall never be repeated.* You remember the conversation of Mr. Davis with one of his officers. "Mr. Davis," the officer said, "our cause must be abandoned." "Yes," was the reply: "it must be abandoned for the present; but it will come up again at another time, and in another shape." Memorable and warning words! They will be prophetic if we prove ourselves weak in this great hour of emergency. What hidden dangers may be lurking in the future we know not. When they come, God will

provide means against them ; but we can and should determine, that this cause shall never re-appear in the shape of Jefferson Davis.

Now, there are several ways in which this criminal may be disposed of. Let us look at them, and see what they will avail us.

First, We might confine him for life, either in some prison-house, or upon some island in mid-ocean. We might decree in the most solemn way that he shall never again be free ; that, under the surveillance of a guard, he shall live and die at a distance from the haunts, the hatred, and the sympathy of men. This is the appropriate punishment, without a doubt. For my own part, I have an exceeding great repugnance to the taking of life, and I should be glad if such a sentence as this could be carried out. Its moral effect—for that seems to be the point aimed at—would be incalculable. But the scheme is wholly impracticable, and really amounts to a merely temporary imprisonment. Who does not know, that it is not next to impossible, but utterly impossible, to imprison a man for life in America? The officials change so often, the feelings of the people are so volatile, that in a few years the offence is forgotten, a morbid sympathy for the prisoner is created, and he is set at liberty. This scene is enacted every year. A man cannot be kept in prison twenty years, if he has influential friends.

If an assassin should lift his hand against a European monarch, he could be confined for life, and the sentence would be carried into effect. The father whose life was threatened would see that the penalty was inflicted, and his son would see to it that it was not neglected. It would be a family matter, and the outrage would have especial claims upon the memory at all times. Not so in this country. No matter how much the surface is ruffled, it is all smooth again in a moment, and everybody has forgotten the cause of excitement. I do say, without fear of contradiction, that it is

an impossibility to confine this man for life. Scarce ten years would elapse before influential friends would be at work for his release; and there is no doubt whatever, that, under such circumstances, Davis could spend the latter days of his life upon his own plantation in Louisiana, where he could sit in security, and sneer at our Government, and aid in inciting another rebellion. Are you prepared for that? For one I am not. And I speak not merely in my own person, but in the name of all the martyred dead of the four bloody years just closed. I am not prepared for that, and will never consent to such a sentence.

Second, We can banish him. Banish him? To what place? Do you propose to tell him simply, that he must not live hereafter on our soil; that he must go somewhere else? Do you suppose he will have any particular objections to such a sentence? Do you think he has in the last two years become so attached to America, that it will be the worst conceivable punishment to send him away? Why, brethren, the one thing he most desires is to get out of the country. Indeed, he was on his way out when he was captured; and, if he had only been let alone, — a privilege he has been demanding some time, — he would never have knocked at your door again, my word for it. Well, if you banish him, you do for him what he proposed to do for himself; the only difference being, yes, the *only* difference being, that, if you had not pursued him, he would have been compelled to pay his own passage-money to some European port, while now *you* will pay his passage, and offer him an escort.

This idea is monstrous. Suppose that the leader of a gang of cowardly robbers breaks into a bank whose vault contains a hundred bags of gold. He succeeds in stealing one of the bags, and hands it out to his friends, who conceal it in the place of rendezvous. The next night he murders the watchman, in order to accomplish his purpose better, and steals another bag; the next night another,

and so on. Instead of trying the case, and sentencing the man for murder in the first degree, suppose the judge should say, "Sirrah, you are a bad and dangerous man. You have committed a deed at which Justice frowns, and Mercy turns her head away to weep; but I cannot punish you, for fear of the moral effect to be produced. You must go beyond our lines: you must leave the town, and at once. That is your sentence." Well, where does the robber go? Why, to the rendezvous, of course, where his friends are awaiting him with a banquet all prepared, and with the bags of gold he has stolen. How long would the world hold together under such treatment? I trow not long, friends.

Well, this is just what you propose to do with Davis. His bags of gold are in the Bank of England, sent from Richmond to London in a British vessel that ran the blockade. Now he hoped to succeed. But, if that was impossible, the *next best thing to success is banishment to the place where his booty is concealed, and his friends await him*. Is it not so?

But, you say, the remorse. Ah! brethren, don't depend upon remorse to kill that man. Take my word for it, he will die of some other disease than that. He can go to Europe, buy a splendid villa out of the proceeds of his career, and live respected by all the nobility of France and England, *in whose cause* he has been fighting, and in whose cause he has been defeated.

You cannot injure yourselves so much as by passing such a sentence.

There is, then, but one other course to pursue. We approach it with hesitation, but with firm step, believing it to be the only, yes, the only road to justice. I do not believe in harsh measures, my brethren, any more than do you. I would to God there were no prison-houses in the land, where mortals are shut out from the sweet light of the blessed day! but, before the hour shall come when we can safely do

away with them, we must make men better than they are now. We are not vindictive when we close the cell-door on a bad man, and leave him to linger out his miserable years in darkness. It is the inevitable law and the primary condition of all civilization, that these buildings shall stand in a row, — the church, the schoolhouse, the prison. Nor are we vindictive when we build the gallows for the criminals of deepest dye, — *knowing that no other punishment will insure the safety of society*, — and, in the name of Law, Order, Justice, and the Republic, hang them thereon. If this American Government — which has been a blessing to millions for three generations, and promises to become an equal blessing to larger numbers in the future, nay, promises to modify all the monarchies of Europe to such degree that the imperial will and the people's will must run side by side — has been endangered by the chief leader of a band of political adventurers, and can be secured only on condition of the non-existence of that man, who would hesitate for a moment in his choice between the petty, wretched life of a base ingrate, and the welfare and the good government of the nineteenth century? Would you? If an assassin had struck the life out of your pure girl, and you were morally certain that if he were let go free he would do the same deed again and again and again, you would not be a worthy father if you put yourself between the murderer and justice. Well, then, what will we do with this man? He is confined at Fortress Monroe. Go into his cell. Do you find him on his knees, with hands uplifted, with tears streaming down his cheeks, a repentant sinner, begging pardon of God, and the hundreds of thousands of glorious dead who would be here to-day but for him? Is there the least sign of sorrow visible for what he has done? No, oh no! He is dejected and sullen and bent and worn. But he is dejected only because he has failed, and does not know the consequence of his enormities, though he fears it. He is worn and gray; but in whose ser-

vice? for what cause? For you, for me, for any good cause known to man? Nay, but only because he has given all his energies to compass our ruin; because he has been fighting for four years, against the providence of Almighty God, in the endeavor to re-establish feudalism and slavery. That providence has defeated him at every corner, in every scheme, and at last delivered him into our hands. God says, in all the history of the past, in all the successes of the one party, and all the cruelties and defeats of the other, This man I give into your hands. Do justice upon him, nor dare to do one jot or tittle less. I think that is the word of God. But what is that justice? This, and only this:

To convene a proper body of men to try him; to open every session of the court with prayer; to bring this prisoner into the solemn presence of the representatives of American institutions and liberty; to summon witnesses from all quarters of the globe, at whatever expense; to sift this plan, this base conspiracy, to the bottom, to the very bottom; to follow any and every channel that can lead to light; to publish this evidence to the whole civilized world, that they may see who and what these conspirators are. I would arraign this man on a charge of HIGH TREASON against the Government and the people of America. We cannot afford to try him on a simple charge of complicity with the recent murder; that is but a by-play in the tragedy, a side-issue, a natural and necessary sequence of the purpose which prompted the first blow. I would give him as good counsel as could be procured. I would allow eloquence to plead in his behalf. Then, when convicted, — for the bulk of evidence is overwhelming, and no jury could resist the inevitable verdict of "Guilty," — I would have him removed to the old Bull-Run battle-field, where this dreadful, useless war was inaugurated, and there hang him until he was dead. Over his gallows I would put the State motto of Virginia, which for the first time would have any significance, —

"Sic semper Tyrannis."

Thus, brethren, would I deal with Jefferson Davis. Thus would I free the country from the baneful presence of a man who has been plotting our ruin ever since he was a boy, and who, if ever allowed his liberty, will plot our ruin again. The past, which gave us a country, will sustain us in the action. With all its blood and sacrifices, ending gloriously in an independence which meant freedom, the schoolhouse, the church, and the welfare of the humblest as well as of the highest, it calls upon us to insure the security of this Government by our act. The present, with its years of chivalry; its crimson deeds of daring of which the Sir Knights of ancient times would have been proud; its sacrifice of men; its women's tears and prayers, — demands this thing of us. The future, with all its hopes, whose corner-stones are being built to-day; with all its prophecies that this country shall yet be the home of patriots, gathered from every part of the world; with all its assurance, that a people, educated, protected in all their rights by immutable laws, self-governed, may be trusted far beyond the confidence we place in princes and in rulers, all — all, with one voice — demand that this great crime be ended here and now, and buried in the grave the hangman digs for him who perjured himself at the capitol; who leagued to burn our cities while we slept; who hired the assassin's arm that robbed us of our President; who wrote the order by which tens of thousands were starved to death, and who has been caught in the midst of his crimes, plotting more and worse, and is now a prisoner at the bar, awaiting sentence. Remember, there is safety only in one course.

Stand forth, Jefferson Davis! There are only two words to tell your story with, —

TREASON,

DEATH;

And may God have mercy on your soul!





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